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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**  
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9 John Doe,

No. CV-23-01938-PHX-SMM

10 Plaintiff,

**ORDER**

11 v.

12 Paul Penzone,

13 Defendant.  
14

15 Before the Court is Plaintiff's Motion for Permission to Proceed Anonymously.  
16 (Doc. 3). Plaintiff asks to proceed anonymously and requests the Court to prohibit  
17 Defendants from publicly disclosing his identity because he fears that his status as a sex  
18 offender who is challenging the constitutionality of sex offender statutes would expose him  
19 to threats of violence.

20 Rule 10(a) of the Federal Rules of Civil Procedure requires all parties to be named  
21 in the complaint. Only "in an unusual case," where "necessary to protect a person from  
22 injury or harassment," are pseudonyms allowed. United States v. Doe, 488 F.3d 1154, 1155  
23 n.1 (9th Cir. 2007)) (citation omitted). "[A] party may preserve his or her anonymity in  
24 judicial proceedings in special circumstances when the party's need for anonymity  
25 outweighs prejudice to the opposing party and the public's interest in knowing the party's  
26 identity." Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1068 (9th Cir.  
27 2000).

28 Other courts, in addressing the interests of the parties and the public in substantially

1 similar circumstances, have found that proceeding anonymously is appropriate at the pre-  
2 discovery phase. See, e.g., Doe v. County of El Dorado, 2013 U.S. Dist. LEXIS 169883,  
3 at \*7-14, 2013 WL 6230342, at \*3-6 (E.D. Cal. Dec. 2, 2013) (allowing anonymity where  
4 a convicted sex offender challenges a sex-offender ordinance for constitutional violations).  
5 The Court finds the same here.

6 As Plaintiff acknowledges, it may be necessary to disclose Plaintiff's identity as the  
7 case proceeds. The parties can address this issue when it arises. See Advanced Textile, 214  
8 F.3d at 1072 ("At present, however, discovery is stayed . . . . Thus, at present defendants  
9 suffer no prejudice by not knowing the names of plaintiffs."); Doe, 2013 U.S. Dist. LEXIS  
10 169883, at \*12, 2013 WL 6230342, at \*5 ("At this pre-discovery stage, however, the court  
11 need not yet consider the prejudice defendant will suffer during discovery.").

12 **III. Conclusion**

13 Accordingly,

14 **IT IS ORDERED** granting Plaintiffs' Motion to Proceed Under a Pseudonym and  
15 Motion for Protective Order. (Doc. 3). However, Defendant has not had an opportunity to  
16 be heard on this Motion. If Defendant disagrees with the Court's decision, he may file an  
17 opposition within 20 days of the filing date of this Order or within 20 days of service of  
18 the Complaint, whichever is later.

19 **IT IS FURTHER ORDERED** as follows:

- 20 1. Plaintiff is granted leave to proceed in this matter under pseudonym;  
21 2. If Defendant learns of Plaintiff's identity, Defendant shall not publicly  
22 disclose the names or personally identifying information of Plaintiff; and  
23 3. All parties shall submit pleadings, briefing, and evidence using Plaintiff's  
24 pseudonym instead of his real name and other personally identifying  
25 information.

26 Dated this 4th day of October, 2023.

27   
28 Honorable Stephen M. McNamee  
Senior United States District Judge